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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE ZURITA, PEDRO PACHECO, JUAN LOPEZ,
ALACLETO FERNANDEZ, CARLOS PARRA, and
GILBERTO AGUILAR, *individually and on behalf of*
others similarly situated,

Plaintiffs,

-against-

ASPEN and GREG BRIER,

Defendants.

07 CV 8063 (LAP)(HP)

Stipulation and [proposed]
Order of Dismissal

FLSA Collective Action

-----X
The parties to this action, by counsel, hereby stipulate as follows:

1. This action shall be dismissed with prejudice pursuant to the Settlement Agreement and Release dated May 19, 2008.
2. Notwithstanding the foregoing, the Court may retain jurisdiction, or may re-open this matter through application by a party, for the sole purposes of entering and enforcing a Judgment by Confession, as provided in the Settlement Agreement, or otherwise enforcing the Settlement Agreement or its terms.

Dated: May 21, 2008

OVED & OVED, LLP

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SO ORDERED

The Clerk of the Court shall
mark this action closed and all
pending motions denied as moot.

U.S.D.J.

SO ORDERED:

Loretta A. Preska
LORETTA A. PRESKA, U.S.D.J.

May 27, 2008